

EXHIBIT A

DECLARATION OF HOLGER BLANKENSTEIN

I, Holger Blankenstein, am the Chief Commercial Officer (*Director Ejecutivo Comercial*) of defendant Concesionaria Vuela Compañía de Aviación S.A.P.I. de C.V. ("Volaris"). If called upon to testify, I could and would testify truthfully as follows:

1. I have worked for Volaris for eight years. I reside in Mexico and work at Volaris' corporate headquarters in Mexico City. In my position as Chief Commercial Officer, I have access to information and data regarding the staffing, business operations, and corporate structure of Volaris. This declaration is based upon my own personal knowledge and documents kept in the regular course of business by Volaris. With respect to the business records, the entries are made in a timely manner by people with the pertinent information. It is the regular business practice of Volaris to obtain and maintain such records. The statements made in this Declaration are true as of the date of the filing of the Complaint on June 21, 2017 and the preceding year, and are true as of today's date.
2. Volaris is a commercial airline with point-to-point operations based in Mexico City with its principal hubs in Cancun (State of Quintana Roo), Guadalajara (State of Jalisco), Mexico City (Federal District), Monterrey (State of Nuevo Leon) and Tijuana (State of Baja California). Volaris is a foreign corporation, organized and existing under the laws of Mexico. Its principle place of business is at its corporate headquarters at Av. Antonio Dovalí Jaime No. 70, 13 Floor, Tower B, Colonia Zedec Santa Fe, United Mexican States, Mexico City, Zip Code 01210.
3. Volaris does not own any real property in the State of California. The majority of flights operated by Volaris are not within the United States. It operates scheduled flights that connect 40 cities in Mexico and 28 cities in the United States and Central America combined.



- 1 4. Volaris' board and high level officers direct, control and coordinate its
2 activities from its corporate headquarters in Mexico. All significant
3 corporate decisions are made in Mexico. Corporate policy is set in Mexico.
4 The major administrative operations for Volaris are found in Mexico.
- 5 5. The leadership of Volaris is located in Mexico at Volaris' corporate
6 headquarters. Volaris' Chief Executive Officer (*Director General*), Chief
7 Financial Officer (*Director Ejecutivo de Finanzas*), Chief Commercial
8 Officer (*Director Ejecutivo Comercial*), Chief Operating Officer (*Director*
9 *Ejecutivo de Operaciones*), Chief Legal Officer (*Director Ejecutivo*
10 *Jurídico*), Distribution and Market Development Director (*Director de*
11 *Distribución y Desarrollo de Mercados*), Organizational Development
12 Director (*Director de Desarrollo Organizacional*), Revenue Management
13 and Pricing Director (*Director de Precios y Administración de Ingresos*),
14 Maintenance Director (*Director de Mantenimiento*), Retail and Customer
15 Service Director (*Director de Servicio y Venta a Clientes*), Corporate
16 Control and Compliance Director (*Director de Contraloría y Cumplimiento*
17 *Corporativo*), Administrative Services Director (*Director de Servicios*
18 *Administrativos*), Operations Planning Director (*Director de Planeación*
19 *Operativa*), Institutional Relations Director (*Director de Relaciones*
20 *Institucionales*), Quality Assurance & Flight Safety Director (*Director de*
21 *Aseguramiento de la Calidad y Seguridad Aérea*), Financial Planning & IR
22 Director (*Director de Planeación Financiera y Relación con*
23 *Inversionistas*), Corporate Finance Director (*Director de Finanzas*
24 *Corporativas*), Digital Marketing Director (*Director de Mercadotecnia*
25 *Digital*), and Internal Audit Director (*Director de Auditoría Interna*) all
26 operate out of Volaris' corporate headquarters in Mexico.
- 27 6. Volaris capital stock is 100% owned directly by Mexican entities.
- 28 7. The Form 6-K filed by Volaris's holding company with the United States
SEC in July 2017 and Form 20-F Annual Report for fiscal year ended



1 December 31, 2016, listed Volaris principle executive offices as Av.
2 Antonio Dovalí Jaime No. 70, 13 Floor, Tower B Colonia Zedec Santa Fe
3 United Mexican States, Mexico City, Zip Code 01210.

4 8. I understand that the Complaint filed in this matter alleges that Defendant
5 “has a principle place of business in Oakland, California.” This is incorrect.
6 It appears to be based upon Volaris’ Statement of Information form filed
7 with the California Secretary of State, a true and correct copy of which is
8 attached hereto as Exhibit A. That form requires a “Principle Executive
9 Office” (which is noted to be in Mexico) and “Principle Business Office in
10 California.” The address given for the office in California is “Oakland
11 International Airport, 1 Airport Drive, Box 11, Oakland, CA 94621.” This
12 is the address for the mailroom at the Oakland Airport, at which all the
13 airlines that operate out of the Oakland airport receive mail.

14 9. Telephone calls to Volaris’ customer service line are routed to call centers
15 in El Salvador and Guatemala. The call centers are operated by a third party.

16 10. I have caused a review to be undertaken of the call center’s database of
17 incoming telephone calls made by persons with a California area code to
18 Volaris’ customer service lines, including (855) 865-2747.
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20 11. From June 21, 2016 to the present, Volaris received over 1,001 telephone
21 calls to its customer service lines from persons using a telephone with a
22 California area code.

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1 I declare under penalty of perjury under the law of the State of California,
2 Mexico and the law of the United States that the foregoing is true and correct.
3 Executed on July 28, 2017 at México City, Mexico.
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Holger Blankenstein
Director Comercial
CCO



volaris

EXHIBIT B



State of California

Secretary of State

Statement of Information

(Foreign Corporation)

FEES (Filing and Disclosure): \$25.00.

If this is an amendment, see instructions.

IMPORTANT – READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

F

1. CORPORATE NAME

2. CALIFORNIA CORPORATE NUMBER

This Space for Filing Use Only

No Change Statement (Not applicable if agent address of record is a P.O. Box address. See instructions.)

3. If there have been any changes to the information contained in the last Statement of Information filed with the California Secretary of State, or no statement of information has been previously filed, this form must be completed in its entirety.

☐ If there has been no change in any of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to **Item 13**.

Complete Addresses for the Following (Do not abbreviate the name of the city. Items 4 and 5 cannot be P.O. Boxes.)

4. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE CITY STATE ZIP CODE

5. STREET ADDRESS OF PRINCIPAL BUSINESS OFFICE IN CALIFORNIA, IF ANY CITY STATE ZIP CODE

6. MAILING ADDRESS OF THE CORPORATION, IF DIFFERENT THAN ITEM 4 CITY STATE ZIP CODE

Names and Complete Addresses of the Following Officers (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

7. CHIEF EXECUTIVE OFFICER/ ADDRESS CITY STATE ZIP CODE

8. SECRETARY ADDRESS CITY STATE ZIP CODE

9. CHIEF FINANCIAL OFFICER/ ADDRESS CITY STATE ZIP CODE

Agent for Service of Process If the agent is an individual, the agent must reside in California and Item 11 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 11 must be left blank.

10. NAME OF AGENT FOR SERVICE OF PROCESS

11. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL CITY STATE ZIP CODE

Type of Business

12. DESCRIBE THE TYPE OF BUSINESS OF THE CORPORATION

13. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

DATE

TYPE/PRINT NAME OF PERSON COMPLETING FORM

TITLE

SIGNATURE

EXHIBIT C



POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) RACHAEL G. JUNG SBN: 239323 Keller Grover LLP 1965 Market Street Third Floor San Francisco, CA 94103 TELEPHONE NO.: (415) 543-1305 FAX NO.: (415) 543-7861 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff		FOR COURT USE ONLY <div style="text-align: center; font-size: 2em; font-weight: bold;">FILED</div> <div style="text-align: center; font-weight: bold;">ALAMEDA COUNTY</div> <div style="text-align: center; font-size: 1.5em; font-weight: bold;">JUL - 6 2017</div> <div style="text-align: center; font-weight: bold;">CLERK OF THE SUPERIOR COURT</div> By <u>Cheryl Clark</u> Deputy	
Superior Court of California County of Alameda STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME:		CASE NUMBER: RG17884780	
PLAINTIFF/PETITIONER: MALINA KINDT etc. DEFENDANT/RESPONDENT: CONCESIONARIA VUELA COMPANIA DE AVIACION SAPI DE CV et al.		Ref. No. or File No.: VOLARIS	
PROOF OF SERVICE OF SUMMONS			

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of:

- a. ☒ summons
- b. ☒ complaint
- c. ☒ Alternative Dispute Resolution (ADR) package
- d. ☒ Civil Case Cover Sheet (served in complex cases only)
- e. ☐ cross-complaint
- f. ☒ other (specify documents): Civil Case Cover Sheet Addendum

3. a. Party served (specify name of party as shown on documents served):

CONCESIONARIA VUELA COMPANIA DE AVIACION SAPI DE CV

- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):

ARTURO RAMON QUEZADA - AGENT FOR SERVICE4. Address where the party was served: **5175 E. CLINTON WAY, BOX #22
FRESNO, CA 93722**

5. I served the party (check proper box)

- a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
- b. ☒ **by substituted service.** On (date): **6/29/2017** at (time): **9:53 AM** I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):
Oscar Arevalo - Person in charge at time of attempt

- (1) ☒ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
- (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
- (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
- (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): or ☒ a declaration of mailing is attached.
- (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

BY FAX

PETITIONER: MALINA KINDT etc.

CASE NUMBER:

RESPONDENT: CONCESIONARIA VUELA COMPANIA DE AVIACION SAPI DE CV et al.

RG17864780

- c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid;
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify): **CONCESIONARIA VUELA COMPANIA DE AVIACION SAPI DE CV**
under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7 Person who served papers

- a. Name: **ALBERT MOLES - Specialized Legal Services, Inc.**
- b. Address: **1112 Bryant St., Suite 200 San Francisco, CA 94103**
- c. Telephone number: **(415) 357-0500**
- d. The fee for service was: **\$ 155.00**
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No.: **63**
- (iii) County: **MADERA**

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
or

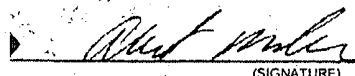
9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **6/29/2017**

★ **Specialized Legal Services, Inc.**
1112 Bryant St., Suite 200
San Francisco, CA 94103
(415) 357-0500
www.specializedlegal.com/

ALBERT MOLES

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

Attorney or Party without Attorney: RACHAEL G. JUNG, SBN: 239323 Keller Grover LLP 1965 Market Street Third Floor San Francisco, CA 94103 TELEPHONE No.: (415) 543-1305 FAX No. (Optional): (415) 543-7861.. E-MAIL ADDRESS (Optional): Attorney for: Plaintiff				FOR COURT USE ONLY	
Ref No. or File No.: VOLARIS					
Insert name of Court, and Judicial District and Branch Court: Superior Court of California County of Alameda -					
Plaintiff: MALINA KINDT etc. Defendant: CONCESIONARIA VUELA COMPANIA DE AVIACION SAPI DE CV et al.					
PROOF OF SERVICE BY MAIL		HEARING DATE:	TIME:	DEPT.:	CASE NUMBER: RG17864780

1. I am over the age of 18 and not a party to this action. I am employed in the county where the mailing occurred.
2. I served copies of the Summons; Complaint; Alternative Dispute (ADR) package; Civil Case Cover Sheet (served in complex cases only); Civil Case Cover Sheet Addendum;
3. By placing a true copy thereof enclosed in a sealed envelope, with First Class postage thereon fully prepaid, in the United States Mail at SAN FRANCISCO, California, addressed as follows:
 - a. Date of Mailing: June 29, 2017
 - b. Place of Mailing: SAN FRANCISCO, CA.
 - c. Addressed as follows: CONCESIONARIA VUELA COMPANIA DE AVIACION SAPI DE CV, C/O ARTURO RAMON QUEZADA
5175 E. CLINTON WAY, BOX #22
FRESNO, CA 93722

I am readily familiar with the firm's practice for collection and processing of documents for mailing. Under that practice, it would be deposited within the United States Postal Service, on that same day, with postage thereon fully prepaid at SAN FRANCISCO, California in the ordinary course of business.

Fee for Service: \$ 155.00

Specialized Legal Services, Inc.
 1112 Bryant St., Suite 200
 San Francisco, CA 94103
 (415) 357-0500
www.specializedlegal.com/

I declare under penalty of perjury under the laws of the The State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on June 29, 2017.

Signature: _____

April Jimenez
 April Jimenez

PROOF OF SERVICE BY MAIL

Order#: P151621/mailproof

EXHIBIT D



SUMMONS (CITACION JUDICIAL)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

CONCESIONARIA VUELA COMPANIA DE AVIACION SAPI DE
CV; and DOES 1 through 50, inclusive,

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

MALINA KINDT, individually and on behalf of a class of similarly
situated individuals,

20108406
FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ALAMEDA

JUN 21 2017

CLERK OF THE COURT
By ERICA SAPIEN, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Rene C. Davidson Courthouse
Alameda County Superior Court
1225 Fallon Street, Oakland, California 94612

CASE NUMBER:
(Número del Caso) **CC-17864780**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Eric A. Grover, KELLER GROVER LLP, 1965 Market Street, San Francisco, CA 94103 (415) 543-1305

DATE:
(Fecha) **JUN 21 2017**

Chad Finko

Clerk, by
(Secretario)

[Signature]

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify):

under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)

4. ☐ other (specify):

4. ☐ by personal delivery on (date):



20108401

FILED
ALAMEDA COUNTY

JUN 21 2017

CLERK OF THE SUPERIOR COURT
By ERICA BAKER, Deputy

1 ERIC A. GROVER (SBN 136080)
eagrover@kellergrover.com
2 RACHAEL G. JUNG (SBN 239323)
rgjung@kellergrover.com
3 **KELLER GROVER LLP**
1965 Market Street
4 San Francisco, California 94103
Telephone: (415) 543-1305
5 Facsimile: (415) 543-7861

6 SCOT BERNSTEIN (SBN 94915)
swampadero@sbernsteinlaw.com
7 **LAW OFFICES OF SCOT D. BERNSTEIN,**
A PROFESSIONAL CORPORATION
8 101 Parkshore Drive, Suite 100
Folsom, California 95630
9 Telephone: (916) 447-0100
Facsimile: (916) 933-5533

10
11 Attorneys for Plaintiff
12 Malina Kindt

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **IN AND FOR THE COUNTY OF ALAMEDA**

16 MALINA KINDT, individually and on behalf)
17 of a class of similarly situated individuals,)

18 Plaintiff,

19 v.

20 CONCESIONARIA VUELA COMPANIA)
21 DE AVIACION SAPI DE CV; and DOES 1)
through 50, inclusive,)

22 Defendants.)
23)
24)
25)
26)
27)
28)

Case No: **RG 17864780**

CLASS ACTION

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

DEMAND FOR JURY TRIAL

COMPLAINT

BY FAX

KELLER GROVER LLP
1965 Market Street, San Francisco, CA 94103
Tel. 415.543.1305 | Fax 415.543.7861

CLASS ACTION COMPLAINT

Plaintiff Malina Kindt ("Plaintiff" or "Kindt"), on behalf of herself and a class (the "PC § 632.7 Class") of similarly situated individuals as defined below, alleges on information and belief and the investigation by counsel as follows:

INTRODUCTION

1. This class action lawsuit arises out of the policy and practice of Defendant Concesionaria Vuela Compania de Aviacion SAPI de CV (hereinafter "Defendant" or "Volaris") to record and/or monitor,¹ without the consent of all parties, telephone calls made or routed to Defendant's toll-free customer service telephone numbers (referred to collectively as "Volaris toll-free telephone numbers"), including but not limited to 855-865-2747. Defendant owns and operates Volaris, a foreign airline company with numerous destinations throughout Mexico, the United States, and Central America. 855-865-2747 is one of Defendant's toll-free telephone numbers that connect callers to Defendant's customer service call centers, including connecting callers to live customer service representatives. During the relevant time period, Defendant intentionally and surreptitiously recorded and/or monitored telephone calls made or routed to Defendant's toll-free telephone numbers. Defendant did so without warning or disclosing to inbound callers that their calls might be recorded or monitored.

2. Defendant's policy and practice of recording and monitoring consumer-initiated telephone conversations without the consent of all parties violate the California Invasion of Privacy Act (Penal Code §§ 630, *et seq.*). Specifically, Defendant's policy and practice violate Penal Code § 632.7, which prohibits recording or monitoring a communication made to or from a cellular or cordless telephone without the consent of all parties to the communication.

3. Because of Defendant's violations, all individuals who called or were routed to one of Defendant's toll-free telephone numbers while they were in California and were recorded

¹ "Monitor," as used in this complaint, includes both (a) the common understanding of a person listening in on a call and (b) "intercepting," as that term is used in the California Invasion of Privacy Act ("CIPA"). Thus, "monitor" will be used in lieu of "intercept" throughout this complaint.

1 or monitored by Defendant surreptitiously and without disclosure are entitled to an award of
 2 statutory damages and injunctive relief under Penal Code § 637.2.

3 PARTIES

4 4. Plaintiff Malina Kindt is an individual and a resident of California.

5 5. Defendant Concesionaria Vuela Compania de Aviacion SAPI de CV is a foreign
 6 corporation headquartered in Santa Fe, Mexico with a principal place of business in Oakland,
 7 California. Concesionaria Vuela Compania de Aviacion SAPI de CV systematically and
 8 continuously does business in California and with California residents.

9 6. Plaintiff is ignorant of the true names and capacities of defendants sued as DOES
 10 1 through 50, inclusive, and therefore sues those defendants by those fictitious names. Plaintiff
 11 will amend this Complaint to allege their true names and capacities when ascertained. Plaintiff
 12 is informed and believes and on that ground alleges that each of the fictitiously-named
 13 defendants is responsible in some manner for the occurrences alleged and that Plaintiff's
 14 injuries and damages, as alleged, are proximately caused by those occurrences.

15 7. Plaintiff is informed and believes and on that ground alleges that, at all relevant
 16 times, each Defendant was the principal, agent, partner, joint venturer, officer, director,
 17 controlling shareholder, subsidiary, affiliate, parent corporation, successor in interest and/or
 18 predecessor in interest of some or all of the other Defendants, and was engaged with some or all
 19 of the other Defendants in a joint enterprise for profit, and bore such other relationships to some
 20 or all of the other Defendants as to be liable for their conduct with respect to the matters alleged
 21 below. Plaintiff is informed and believes and on that ground alleges that each Defendant acted
 22 pursuant to and within the scope of the relationships alleged above, and that each knew or
 23 should have known about and authorized, ratified, adopted, approved, controlled, aided and
 24 abetted the conduct of all Defendants.

25 JURISDICTION AND VENUE

26 8. This Court has subject matter jurisdiction over this action under California Penal
 27 Code §§ 632.7 and 637.2.

28 //

KELLER GROVER LLP
 1965 Market Street, San Francisco, CA 94103
 Tel. 415.543.1305 | Fax 415.543.7861

9. This Court has personal jurisdiction over the parties because Defendant continually and systematically has conducted business in the State of California. Likewise, Plaintiff's rights were violated in the State of California and arose out of her contact with Defendant from and within California.

10. Venue is proper in this Court because Defendant's February 8, 2017 Statement of Information form filed with the California Secretary of State lists Oakland, California as the location of Defendant's principal business office in California.

FACTUAL ALLEGATIONS COMMON TO THE CLASS

11. Plaintiff is informed and believes and on that ground alleges that Volaris toll-free telephone numbers, including 855-865-2747, connect callers to Defendant's customer service representatives.

12. Plaintiff is informed and believes and on that ground alleges that Defendant's employees and agents at the customer service call centers receive incoming calls from callers including California callers.

13. Plaintiff is informed and believes and on that ground alleges that Defendant intentionally has used technology consisting of hardware and/or software or other equipment to carry out a policy and practice of recording and/or monitoring calls routed to Defendant's customer service representatives.

14. Plaintiff is informed and believes and on that ground alleges that Defendant's employees and agents at the customer service call centers were and are directed, trained, and instructed to, and did and do, record and/or monitor telephone calls between the customer service representatives and callers, including California callers.

15. In at least May 2017, and possibly on earlier occasions, Plaintiff called one of the Volaris toll-free telephone numbers from a location within the State of California using her cellular telephone. Plaintiff called 855-865-2747 and spoke with a Volaris representative regarding purchasing airline tickets for flights to and from Mexico.

16. During Plaintiff's telephone calls to Defendant, Defendant failed to disclose to Plaintiff that her telephone conversations with Defendant were being recorded and/or monitored.

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1 Plaintiff did not give and could not have given consent for the telephone calls to be recorded or
 2 monitored because she was unaware that Defendant was engaged in that practice during the
 3 telephone calls.

4 17. Plaintiff is informed and believes and on that ground alleges that other callers
 5 who called a Volaris toll-free telephone number and were routed to one of Defendant's customer
 6 service call centers were not informed by Defendant or anyone else that their calls were being
 7 recorded and/or monitored. Thus, that recording and/or monitoring necessarily occurred without
 8 the callers' knowledge or consent.

9 18. Because there was no warning that calls would be recorded or monitored,
 10 Plaintiff had a reasonable expectation that her telephone conversations with Defendant's
 11 employees and agents were, and would remain, private and confined to the parties on the
 12 telephone. That recording and/or monitoring without her consent is highly offensive to Plaintiff
 13 and would be highly offensive to a reasonable person, including members of the proposed
 14 Plaintiff Class.

15 CLASS ACTION ALLEGATIONS

16 19. Plaintiff brings this action under California Code of Civil Procedure § 382 on
 17 behalf of herself and the class (the "PC § 632.7 Class") defined as follows:

18 All California residents who, while located in California at any time during the
 19 applicable limitations period preceding the filing of this Complaint and through and
 20 including the date of resolution, called one or more of Defendant's toll-free telephone
 21 numbers while one or both parties to the call were using a cellular or cordless telephone
 22 and whose calls were recorded and/or monitored by Defendant without warning or
 23 disclosure at the call outset.

24 20. The PC § 632.7 Class that Plaintiff seeks to represent contains numerous
 25 members and is clearly ascertainable including, without limitation, by using Defendant's
 26 records and/or Defendant's telephone company's and/or other telecommunications and toll-free
 27 service providers' records regarding calls to Volaris toll-free telephone numbers to determine
 28 the size of the PC § 632.7 Class and to determine the identities of individual PC § 632.7 Class

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1 members. Plaintiff reserves the right to amend or modify the PC § 632.7 Class definition and/or
 2 to add subclasses or limitations to particular issues.

3 21. By its unlawful actions, Defendant has violated Plaintiff's and the PC § 632.7
 4 Class members' privacy rights under California's Invasion of Privacy Act, California Penal
 5 Code §§ 630 *et seq.* The questions raised are, therefore, of common or general interest to the
 6 PC § 632.7 Class members, who have a well-defined community of interest in the questions of
 7 law and fact raised in this action.

8 22. Plaintiff's claims are typical of those of the PC § 632.7 Class, as Plaintiff now
 9 suffers and has suffered from the same violations of the law as other putative PC § 632.7 Class
 10 members. Plaintiff has retained counsel with substantial experience in prosecuting complex
 11 litigation and class actions to represent her and the PC § 632.7 Class, and Plaintiff will fairly
 12 and adequately represent the interests of the PC § 632.7 Class.

13 23. This action may properly be maintained as a class action under section 382 of the
 14 California Code of Civil Procedure because there is a well-defined community of interest in the
 15 litigation and the proposed PC § 632.7 Class is ascertainable.

16 **Numerosity**

17 24. Based on information and belief, the Class consists of at least 75 individuals,
 18 making joinder of individual cases impracticable.

19 **Typicality**

20 25. Plaintiff's claims are typical of the claims of all of the other members of the PC §
 21 632.7 Class. Plaintiff's claims and the PC § 632.7 Class members' claims are based on the same
 22 legal theories and arise from the same unlawful conduct, resulting in the same injury to Plaintiff
 23 and to all of the other PC § 632.7 Class members.

24 **Common Questions of Law and Fact**

25 26. There are questions of law and fact common to the PC § 632.7 Class that
 26 predominate over any questions affecting only individual PC § 632.7 Class members. Those
 27 common questions of law and fact include, without limitation, the following:

28 //

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- a. Whether Defendant had a policy or practice of recording and/or monitoring inbound telephone calls made to Volaris toll-free telephone numbers;
- b. Whether Defendant had a policy or practice of not disclosing to inbound callers that their conversations with Defendant's employees or agents would be recorded and/or monitored;
- c. Whether Defendant had a policy or practice of not obtaining inbound callers' consent to record and/or monitor conversations between Defendant's employees or agents, on the one hand, and inbound callers, on the other;
- d. Whether Defendant violated California Penal Code § 632.7 by recording and/or monitoring, surreptitiously and without disclosure at the call outset, telephone conversations
 - i. between inbound callers using cellular and cordless telephones within California and Defendant's employees and agents, and
 - ii. between inbound callers using landline telephones within California and Defendant's employees and agents using cellular or cordless phones; and
- e. Whether Class members are entitled to statutory damages of \$5,000 under Penal Code § 637.2 for each violation of Penal Code § 632.7.

Adequacy

27. Plaintiff will fairly and adequately represent and protect the interests of the other members of the PC § 632.7 Class. Plaintiff has retained counsel with substantial experience in prosecuting complex litigation and class actions. Plaintiff and her counsel are committed to prosecuting this action vigorously on behalf of the other PC § 632.7 Class members and have the financial resources to do so. Neither Plaintiff nor her counsel have any interests adverse to those of the other PC § 632.7 Class members.

//

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1 Superiority

2 28. A class action is superior to other available methods for the fair and efficient
 3 adjudication of this controversy because individual litigation of the claims of all PC § 632.7
 4 Class members is impracticable and questions of law and fact common to the PC § 632.7 Class
 5 predominate over any questions affecting only individual members of the PC § 632.7 Class.
 6 Even if every individual PC § 632.7 Class member could afford individual litigation, the court
 7 system could not. It would be unduly burdensome to the courts if individual litigation of the
 8 numerous cases were to be required. Individualized litigation also would present the potential
 9 for varying, inconsistent, or contradictory judgments and would magnify the delay and expense
 10 to all parties and to the court system resulting from multiple trials of the same factual issues. By
 11 contrast, the conduct of this action as a class action with respect to some or all of the issues will
 12 present fewer management difficulties, conserve the resources of the court system and the
 13 parties and protect the rights of each PC § 632.7 Class member. Further, it will prevent the very
 14 real harm that would be suffered by numerous putative PC § 632.7 Class members who simply
 15 will be unable to enforce individual claims of this size on their own and by Defendant's
 16 competitors, who will be placed at a competitive disadvantage as their punishment for obeying
 17 the law. Plaintiff anticipates that the Court will have no difficulty managing this case as a class
 18 action.

19 29. The prosecution of separate actions by individual PC § 632.7 Class members may
 20 create a risk of adjudications with respect to them that would, as a practical matter, be dispositive
 21 of the interests of other PC § 632.7 Class members not parties to those adjudications or that
 22 would substantially impair or impede the ability of those non-party PC § 632.7 Class members to
 23 protect their interests.

24 30. The prosecution of individual actions by PC § 632.7 Class members would run
 25 the risk of establishing inconsistent standards of conduct for Defendant.

26 31. Defendant has acted or refused to act in respects generally applicable to the PC §
 27 632.7 Class, thereby making appropriate final and injunctive relief or corresponding declaratory
 28 relief with regard to members of the PC § 632.7 Class as a whole as requested herein. Likewise,

1 Defendant's conduct as described above is unlawful, is capable of repetition, and will continue
 2 unless restrained and enjoined by the Court.

3 **FIRST CAUSE OF ACTION**
 4 **Unlawful Recording and/or Monitoring of**
 5 **Cellular and Cordless Telephone Communications**
 6 **(Violation of California Penal Code § 632.7)**
 7 **Against All Defendants**

8 32. Plaintiff incorporates each allegation set forth above as if fully set forth herein
 9 and further alleges as follows.

10 33. In at least May 2017, and possibly on earlier occasions, and while located in
 11 California, Plaintiff participated in at least one telephone call that she made to one of the Volaris
 12 toll-free telephone numbers, specifically 855-865-2747. Plaintiff used a cellular telephone to
 13 engage in each of her conversations with the Volaris customer service representatives. Plaintiff
 14 called Volaris to purchase airline tickets for flights to and from Mexico.

15 34. Plaintiff is informed and believes and on that ground alleges that, at all relevant
 16 times, Defendant had a policy and practice of using hardware and/or software or other
 17 equipment that enabled them to surreptitiously record and/or monitor conversations with
 18 Plaintiff and other PC § 632.7 Class members (a) who made calls to Volaris toll-free telephone
 19 numbers on their cellular or cordless telephones or (b) who made calls to Defendant's cellular or
 20 cordless telephones on their landline telephones.

21 35. Plaintiff is informed and believes and on that ground alleges that, at all relevant
 22 times, Defendant had and followed a policy and practice of intentionally and surreptitiously
 23 recording and/or monitoring Plaintiff's and PC § 632.7 Class members' telephone conversations
 24 with Defendant's employees and agents in which one or both parties to the call were using
 25 cellular or cordless telephones.

26 36. Plaintiff is informed and believes and on that ground alleges that Defendant had
 27 and followed a policy and practice of not advising or warning inbound callers such as Plaintiff
 28 or PC § 632.7 Class members at the call outset that their telephone communications with
 Defendant's employees and agents, in which one or both parties to the call were using cellular
 or cordless telephones, would be recorded and/or monitored. Because Defendant did not

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disclose to Plaintiff or PC § 632.7 Class members at the call outset that their calls were being recorded and/or monitored, Defendant did not obtain, and could not have obtained, Plaintiff's or PC § 632.7 Class members' express or implied advance consent to the recording or monitoring of those conversations. As a result, Plaintiff and PC § 632.7 Class members had an objectively reasonable expectation that their calls were not being recorded and/or monitored. That expectation and its objective reasonableness arise, in part, from the objective offensiveness of surreptitiously recording people's conversations, the absence of even a simple pre-recorded message as short as four simple words – "calls may be recorded" – and the ease with which such a message could have been put in place. As the California Supreme Court has stated, "in light of the circumstance that California consumers are accustomed to being informed at the outset of a telephone call whenever a business entity intends to record the call, it appears equally plausible that, in the absence of such an advisement, a California consumer reasonably would anticipate that such a telephone call is not being recorded, particularly in view of the strong privacy interest most persons have with regard to the personal financial information frequently disclosed in such calls." (See *Kearney v. Salomon Smith Barney* (2006) 39 Cal. 4th 95.)

37. Defendant's conduct as described above violated California Penal Code § 632.7(a). Under Penal Code § 632.7, Plaintiff and PC § 632.7 Class members therefore are entitled to \$5,000 in statutory damages per violation, even in the absence of proof of actual damages, the amount deemed proper by the California Legislature. Plaintiff and PC § 632.7 Class members also are entitled to injunctive relief to enjoin further violations.

PRAYER FOR RELIEF

Plaintiff, on behalf of herself and members of the Class, prays for the following relief:

- a. An order certifying the PC § 632.7 Class and appointing Plaintiff Malina Kindt as representative of the PC § 632.7 Class, and appointing counsel for Plaintiff as lead counsel for the PC § 632.7 Class;
- b. An order declaring that the actions of Defendant, as described above, violate California Penal Code § 632.7;


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- c. A judgment for and award of statutory damages of \$5,000 per violation to Plaintiff and the members of the PC § 632.7 Class under California Penal Code § 637.2;
- d. A permanent injunction under Penal Code § 637.2 enjoining Defendant from engaging in further conduct in violation of California Penal Code § 630, *et seq.*;
- e. Payment of costs of the suit;
- f. Payment of attorneys' fees under California Code of Civil Procedure § 1021.5;
- g. An award of pre- and post-judgment interest to the extent allowed by law; and
- h. Such other or further relief as the Court may deem proper.

Respectfully submitted,

KELLER GROVER LLP

By:


Eric A. Grover
Attorneys for Plaintiff

Dated: June 21, 2017

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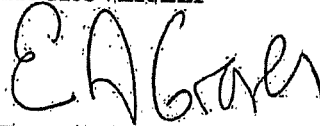
JURY DEMAND

Plaintiff requests a trial by jury of all claims that can be so tried.

Respectfully submitted,

KELLER GROVER LLP

By:



Eric A. Grover
Attorneys for Plaintiff

KELLER GROVER LLP
 Attn: Grover, Eric A.
 1965 Market Street
 San Francisco, CA 94103

Concesionaria Vuela Comania De
 Aviacion Sapi De Cv

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Kindt	No. <u>RG17864780</u>
Plaintiff/Petitioner(s)	
VS.	
Concesionaria Vuela Comania De Aviacion Sapi De Cv	NOTICE OF HEARING
Defendant/Respondent(s)	
(Abbreviated Title)	

To each party or to the attorney(s) of record for each party herein:

Notice is hereby given that the above-entitled action has been set for:

Complex Determination Hearing
 Case Management Conference

You are hereby notified to appear at the following Court location on the date and time noted below:

Complex Determination Hearing:

DATE: 08/15/2017 TIME: 03:00 PM DEPARTMENT: 30
 LOCATION: U.S. Post Office Building, Second Floor
 201 13th Street, Oakland

Case Management Conference:

DATE: 09/22/2017 TIME: 09:16 AM DEPARTMENT: 30
 LOCATION: U.S. Post Office Building, Second Floor
 201 13th Street, Oakland

Pursuant to California Rules of Court, Rule 3.400 et seq. and Local Rule 3.250 (Unified Rules of the Superior Court, County of Alameda), the above-entitled matter is set for a Complex Litigation Determination Hearing and Initial Complex Case Management Conference.

Department 30 issues tentative rulings on DomainWeb (www.alameda.courts.ca.gov/domainweb). For parties lacking access to DomainWeb, the tentative ruling must be obtained from the clerk at (510) 268-5104. Please consult Rule 3.30(c) of the Unified Rules of the Superior Court, County of Alameda, concerning the tentative ruling procedures for Department 30.

Counsel or party requesting complex litigation designation is ordered to serve a copy of this notice on all parties omitted from this notice or brought into the action after this notice was mailed.

All counsel of record and any unrepresented parties are ordered to attend this Initial Complex Case Management Conference unless otherwise notified by the Court.

Failure to appear, comply with local rules or provide a Case Management Conference statement may result in sanctions. Case Management Statements may be filed by E-Delivery, by submitting directly to the E-Delivery Fax Number (510) 267-5732. No fee is charged for this service. For

further information, go to **Direct Calendar Departments** at <http://apps.alameda.courts.ca.gov/domainweb>.

All motions in this matter to be heard prior to Complex Litigation Determination Hearing must be scheduled for hearing in Department 30.

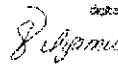
If the information contained in this notice requires change or clarification, please contact the courtroom clerk for Department 30 by e-mail at Dept.30@alameda.courts.ca.gov or by phone at (510) 268-5104.

TELEPHONIC COURT APPEARANCES at Case Management Conferences may be available by contacting CourtCall, an independent vendor, at least 3 business days prior to the scheduled conference. Parties can make arrangements by calling (888) 882-6878, or faxing a service request form to (888) 883-2946. This service is subject to charges by the vendor.

Dated: 07/03/2017

Chad Finke Executive Officer / Clerk of the Superior Court

By

 digital

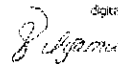
Deputy Clerk

CLERK'S CERTIFICATE OF MAILING

I certify that the following is true and correct: I am the clerk of the above-named court and not a party to this cause. I served this Notice by placing copies in envelopes addressed as shown hereon and then by sealing and placing them for collection, stamping or metering with prepaid postage, and mailing on the date stated below, in the United States mail at Alameda County, California, following standard court practices.

Executed on 07/04/2017.

By

 digital

Deputy Clerk



20108402

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Eric A. Grover, Esq. (SBN 136080) KELLER GROVER LLP 1965 Market Street San Francisco, California 94103 TELEPHONE NO.: 415-543-1305 FAX NO.: 415-543-7861 ATTORNEY FOR (Name): Plaintiff Malina Kindt		FOR COURT USE ONLY ALAMEDA COUNTY JUN 21 2017 CLERK OF THE SUPERIOR COURT By <u>Erica Brackley, Deputy</u>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: 1225 Fallon Street CITY AND ZIP CODE: Oakland, California 94612 BRANCH NAME: Rene C. Davidson Courthouse		CASE NUMBER: RG 17864780 JUDGE: DEPT:	
CASE NAME: Kindt v. Concesionaria Vuela Compania de Aviacion SAPI de CV, et al.			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|---|--|---|
| Auto Tort
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PI/PD/WD (23)
Non-PI/PD/WD (Other) Tort
<input checked="" type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PI/PD/WD tort (35)
Employment
<input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37)
Real Property
<input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26)
Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)
Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20)
Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42)
Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|---|--|---|
2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|---|
| a. <input type="checkbox"/> Large number of separately represented parties
b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence | d. <input checked="" type="checkbox"/> Large number of witnesses
e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|--|---|
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): **One**
5. This case ☒ is ☐ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: June 21, 2017

Eric A. Grover

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

Unified Rules of the Superior Court of California, County of Alameda

F. ADDENDUM TO CIVIL CASE COVER SHEET

Short Title: Kindt v. Concesionaria Vuela Compania de Aviacion SAPI de CV, et al.	Case Number:
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CIVIL CASE COVER SHEET ADDENDUM

**THIS FORM IS REQUIRED IN ALL NEW UNLIMITED CIVIL CASE FILINGS IN THE
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA**

- ☒ Oakland, Rene C. Davidson Alameda County Courthouse (446)
 ☐ Hayward Hall of Justice (447)
☐ Pleasanton, Gale-Schenone Hall of Justice (448)

Civil Case Cover Sheet Category	Civil Case Cover Sheet Case Type	Alameda County Case Type (check only one)
Auto Tort	Auto tort (22)	<input type="checkbox"/> 34 Auto tort (G) Is this an uninsured motorist case? <input type="checkbox"/> yes <input type="checkbox"/> no
Other PI /PD / WD Tort	Asbestos (04) Product liability (24) Medical malpractice (45) Other PI/PD/WD tort (23)	<input type="checkbox"/> 75 Asbestos (D) <input type="checkbox"/> 89 Product liability (<u>not</u> asbestos or toxic tort/environmental) (G) <input type="checkbox"/> 97 Medical malpractice (G) <input type="checkbox"/> 33 Other PI/PD/WD tort (G)
Non - PI /PD / WD Tort	Bus tort / unfair bus. practice (07) Civil rights (08) Defamation (13) Fraud (16) Intellectual property (19) Professional negligence (25) Other non-PI/PD/WD tort (35)	<input checked="" type="checkbox"/> 79 Bus tort / unfair bus. practice (G) <input type="checkbox"/> 80 Civil rights (G) <input type="checkbox"/> 84 Defamation (G) <input type="checkbox"/> 24 Fraud (G) <input type="checkbox"/> 87 Intellectual property (G) <input type="checkbox"/> 59 Professional negligence - non-medical (G) <input type="checkbox"/> 03 Other non-PI/PD/WD tort (G)
Employment	Wrongful termination (36) Other employment (15)	<input type="checkbox"/> 38 Wrongful termination (G) <input type="checkbox"/> 85 Other employment (G) <input type="checkbox"/> 53 Labor comm award confirmation <input type="checkbox"/> 54 Notice of appeal - L.C.A.
Contract	Breach contract / Wmnty (06) Collections (09) Insurance coverage (18) Other contract (37)	<input type="checkbox"/> 04 Breach contract / Wmnty (G) <input type="checkbox"/> 81 Collections (G) <input type="checkbox"/> 86 Ins. coverage - non-complex (G) <input type="checkbox"/> 98 Other contract (G)
Real Property	Eminent domain / Inv Cdm (14) Wrongful eviction (33) Other real property (26)	<input type="checkbox"/> 18 Eminent domain / Inv Cdm (G) <input type="checkbox"/> 17 Wrongful eviction (G) <input type="checkbox"/> 36 Other real property (G)
Unlawful Detainer	Commercial (31) Residential (32) Drugs (38)	<input type="checkbox"/> 94 Unlawful Detainer - commercial <input type="checkbox"/> 47 Unlawful Detainer - residential <input type="checkbox"/> 21 Unlawful detainer - drugs Is the deft. in possession of the property? <input type="checkbox"/> Yes <input type="checkbox"/> No
Judicial Review	Asset forfeiture (05) Petition re: arbitration award (11) Writ of Mandate (02) Other judicial review (39)	<input type="checkbox"/> 41 Asset forfeiture <input type="checkbox"/> 62 Pet. re: arbitration award <input type="checkbox"/> 49 Writ of mandate Is this a CEQA action (Publ.Res.Code section 21000 et seq) <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> 64 Other judicial review
Provisionally Complex	Antitrust / Trade regulation (03) Construction defect (10) Claims involving mass tort (40) Securities litigation (28) Toxic tort / Environmental (30) Ins covrg from cmplx case type (41)	<input type="checkbox"/> 77 Antitrust / Trade regulation <input type="checkbox"/> 82 Construction defect <input type="checkbox"/> 78 Claims involving mass tort <input type="checkbox"/> 91 Securities litigation <input type="checkbox"/> 93 Toxic tort / Environmental <input type="checkbox"/> 95 Ins covrg from complex case type
Enforcement of Judgment	Enforcement of judgment (20)	<input type="checkbox"/> 19 Enforcement of judgment <input type="checkbox"/> 08 Confession of judgment
Misc Complaint	RICO (27) Partnership / Corp. governance (21) Other complaint (42)	<input type="checkbox"/> 90 RICO (G) <input type="checkbox"/> 88 Partnership / Corp. governance (G) <input type="checkbox"/> 68 All other complaints (G)
Misc. Civil Petition	Other petition (43)	<input type="checkbox"/> 06 Change of name <input type="checkbox"/> 69 Other petition



20108402

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Eric A. Grover, Esq. (SBN 136080) KELLER GROVER LLP 1965 Market Street San Francisco, California 94103 TELEPHONE NO.: 415-543-1305 FAX NO.: 415-543-7861 ATTORNEY FOR (Name): Plaintiff Malina Kindt		FOR COURT USE ONLY ALAMEDA COUNTY JUN 21 2017 CLERK OF THE SUPERIOR COURT By <u>Erica Brackley</u> Erica Brackley, Deputy	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: 1225 Fallon Street CITY AND ZIP CODE: Oakland, California 94612 BRANCH NAME: Rene C. Davidson Courthouse		CASE NUMBER: RG 17864780 JUDGE: DEPT:	
CASE NAME: Kindt v. Concesionaria Vuela Compania de Aviacion SAPI de CV, et al.			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|---|--|---|
| Auto Tort
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PI/PD/WD (23)
Non-PI/PD/WD (Other) Tort
<input checked="" type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PI/PD/WD tort (35)
Employment
<input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37)
Real Property
<input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26)
Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)
Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20)
Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42)
Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|---|--|---|
2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|---|
| a. <input type="checkbox"/> Large number of separately represented parties
b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence | d. <input checked="" type="checkbox"/> Large number of witnesses
e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|--|---|
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): **One**
5. This case ☒ is ☐ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: June 21, 2017

Eric A. Grover

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

BY FAX

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

Unified Rules of the Superior Court of California, County of Alameda

F. ADDENDUM TO CIVIL CASE COVER SHEET

Short Title: Kindt v. Concesionaria Vuela Compania de Aviacion SAPI de CV, et al.	Case Number:
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CIVIL CASE COVER SHEET ADDENDUM

**THIS FORM IS REQUIRED IN ALL NEW UNLIMITED CIVIL CASE FILINGS IN THE
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- ☒ Oakland, Rene C. Davidson Alameda County Courthouse (446) ☐ Hayward Hall of Justice (447)
☐ Pleasanton, Gate-Schenone Hall of Justice (448)

Civil Case Cover Sheet Category	Civil Case Cover Sheet Case Type	Alameda County Case Type (check only one)
Auto Tort	Auto tort (22)	<input type="checkbox"/> 34 Auto tort (G) Is this an uninsured motorist case? <input type="checkbox"/> yes <input type="checkbox"/> no
Other PI /PD / WD Tort	Asbestos (04) Product liability (24) Medical malpractice (45) Other PI/PD/WD tort (23)	<input type="checkbox"/> 75 Asbestos (D) <input type="checkbox"/> 89 Product liability (not asbestos or toxic tort/environmental) (G) <input type="checkbox"/> 97 Medical malpractice (G) <input type="checkbox"/> 33 Other PI/PD/WD tort (G)
Non - PI /PD / WD Tort	Bus tort / unfair bus. practice (07) Civil rights (08) Defamation (13) Fraud (16) Intellectual property (19) Professional negligence (25) Other non-PI/PD/WD tort (35)	<input checked="" type="checkbox"/> 79 Bus tort / unfair bus. practice (G) <input type="checkbox"/> 80 Civil rights (G) <input type="checkbox"/> 84 Defamation (G) <input type="checkbox"/> 24 Fraud (G) <input type="checkbox"/> 87 Intellectual property (G) <input type="checkbox"/> 59 Professional negligence - non-medical (G) <input type="checkbox"/> 03 Other non-PI/PD/WD tort (G)
Employment	Wrongful termination (36) Other employment (15)	<input type="checkbox"/> 38 Wrongful termination (G) <input type="checkbox"/> 85 Other employment (G) <input type="checkbox"/> 53 Labor comm award confirmation <input type="checkbox"/> 54 Notice of appeal - L.C.A.
Contract	Breach contract / Wmnty (06) Collections (09) Insurance coverage (18) Other contract (37)	<input type="checkbox"/> 04 Breach contract / Wmnty (G) <input type="checkbox"/> 81 Collections (G) <input type="checkbox"/> 86 Ins. coverage - non-complex (G) <input type="checkbox"/> 98 Other contract (G)
Real Property	Eminent domain / Inv Cdm (14) Wrongful eviction (33) Other real property (26)	<input type="checkbox"/> 18 Eminent domain / Inv Cdm (G) <input type="checkbox"/> 17 Wrongful eviction (G) <input type="checkbox"/> 36 Other real property (G)
Unlawful Detainer	Commercial (31) Residential (32) Drugs (38)	<input type="checkbox"/> 94 Unlawful Detainer - commercial <input type="checkbox"/> 47 Unlawful Detainer - residential <input type="checkbox"/> 21 Unlawful detainer - drugs Is the deft. in possession of the property? <input type="checkbox"/> Yes <input type="checkbox"/> No
Judicial Review	Asset forfeiture (05) Petition re: arbitration award (11) Writ of Mandate (02) Other judicial review (39)	<input type="checkbox"/> 41 Asset forfeiture <input type="checkbox"/> 62 Pet. re: arbitration award <input type="checkbox"/> 49 Writ of mandate Is this a CEQA action (Publ.Res.Code section 21000 et seq) <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> 64 Other judicial review
Provisionally Complex	Antitrust / Trade regulation (03) Construction defect (10) Claims involving mass tort (40) Securities litigation (28) Toxic tort / Environmental (30) Ins covrg from cmplx case type (41)	<input type="checkbox"/> 77 Antitrust / Trade regulation <input type="checkbox"/> 82 Construction defect <input type="checkbox"/> 78 Claims involving mass tort <input type="checkbox"/> 91 Securities litigation <input type="checkbox"/> 93 Toxic tort / Environmental <input type="checkbox"/> 95 Ins covrg from complex case type
Enforcement of Judgment	Enforcement of judgment (20)	<input type="checkbox"/> 19 Enforcement of judgment <input type="checkbox"/> 08 Confession of judgment
Misc Complaint	RICO (27) Partnership / Corp. governance (21) Other complaint (42)	<input type="checkbox"/> 90 RICO (G) <input type="checkbox"/> 88 Partnership / Corp. governance (G) <input type="checkbox"/> 68 All other complaints (G)
Misc. Civil Petition	Other petition (43)	<input type="checkbox"/> 06 Change of name <input type="checkbox"/> 69 Other petition